

Exhibit B

Cohan, Lindsey

From: Ezra Rosenberg <erosenberg@lawyerscommittee.org>
Sent: Monday, August 22, 2016 1:08 PM
To: Frederick, Matthew; Colmenero, Angela
Cc: All Texas Voter ID; VOTTexasID@usdoj.gov
Subject: Veasey v. Abbott: Statements by State and County Officials
Attachments: Paxton Transcript.pdf; Stannard.pdf

Matt and Angela --

Since the Court's order granting interim relief, the press has reported statements by various government officials that Private Plaintiffs believe are intimidating and threatening to voters. Perhaps most disturbing was an interview that Attorney General Paxton gave to Fox News in which he expressly threatened to use the Declaration of Reasonable Impediment as a basis for perjury prosecutions. (We are attaching a full transcript of the interview.). A day later, the Houston Chronicle quoted Harris County election official Stannard as saying that he would turn over to the district attorney the names of declarants whom he believed had SB 14 ID "sitting at home". (Copy of article attached.)

The interim remedy was designed, at the directive of the Fifth Circuit, to reduce the discriminatory effects of SB 14, not to create a new vehicle for discrimination by putting the fear of criminal prosecution in the minds of the very persons on whose behalf the interim relief was meant to benefit. The remedy as a whole was intended to make the reasonable impediment process non-threatening, by prohibiting challenges by election officials and poll workers to declarants as to whether declarants possessed an SB 14 ID and the reasonableness of their impediment (Paras. 5, 6, 7 of Order), and by limiting rejection of the Declaration only upon "conclusive evidence that the person completing the declaration is not the person in whose name the ballot is cast." (Para. 7 of Order).

To cast the shadow of criminal prosecutions of voters signing the Declaration onto this process, where studies have shown that voters can often be mistaken or uncertain as to whether they do not have required ID, see RICE UNIVERSITY'S BAKER INSTITUTE FOR PUBLIC POLICY & UNIVERSITY OF HOUSTON HOBBY CENTER FOR PUBLIC POLICY, THE TEXAS VOTER ID LAW AND THE 2014 ELECTION: A STUDY OF TEXAS'S 23RD CONGRESSIONAL DISTRICT 1 (Aug. 2015), is contrary to the over-arching purpose of the interim relief order. The State is obliged to take all steps to ensure that those discriminated against by SB 14 vote, not that they be scared away from voting.

We note also that the Attorney General inaccurately described the Declaration of Reasonable Impediment (which he called an "affidavit"), indicating that it can be executed only by voters who "cannot get" SB 14 ID, when the standard is "reasonable impediment," and apparently agreeing that the voter has to "present some declaration of citizenship" at the polls.

Private Plaintiffs request that you confirm that your office will not continue to make these intimidating, threatening, and inaccurate statements, and will take appropriate steps to instruct county officials not to do so either. In the meanwhile, Private Plaintiffs intend to alert Judge Ramos to this issue, which is of great concern to us.

Thank you.

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Transcript, Fox News 8/18/2016

Fox News: So it looks nothing is going to change in this before November, am I right about that?

Paxton: Yeah we have an interim order that we worked out with the Justice Department and the DOJ, so we worked it out with the Court, so we're going forward with an interim plan that requires an affidavit if someone does not have a photo ID and cannot get a photo ID.

Fox News: So they have to present some declaration of citizenship and some proof of residence in the State of Texas to vote in lieu of that if they don't have that government issues ID, correct?

Paxton: Along with this affidavit that basically says they are not able to get the government issued ID that we require now under the Texas laws that we have.

Fox News: Alright so the Representative, Marc Veasey from Fort Worth is trying to figure out why you're still pursuing this because he says he's disappointed that the "Texas Attorney General will again waste Texas taxpayer money defending a law that has already been ruled unconstitutional by most conservative federal court in our country." Your response?

Paxton: My response is that we think the Court got it wrong. As Mr. Veasey knows, he was in the legislature, we overwhelmingly passed this in 2011. The voters of our state care about voter integrity. My job is to represent those voters, so that what we're going to do. We're going to take it to the highest court in the land and hopefully get this turned around.

Fox News: So the charges that it discriminates against black and Hispanic voters, why do you disagree with that notion?

Paxton: I disagree with it because we've had three statewide elections. We've had probably hundreds of local elections under this law and the Justice Department was unable to show that people couldn't vote. I mean there's literally 7 different forms

of ID you can use, and almost everyone has them. And we'll give you a free voter ID if you don't have one. So we've tried to cover all options and frankly this law's worked.

Fox News: Yeah I think a lot of people listen to this discussion and they think there's so many states in this country that have a voter ID law. You have to use your identification for pretty much everything you do in this country, so why is it so controversial to have to show your ID when you go to vote?

Paxton: You know what, I don't understand it, I think the majority of Texans don't understand it. When I went to hear the voter ID case I had to use a photo ID to get on the plane, I had to use a photo ID to get to a the hotel room, I actually had to have a photo ID to get into the court room. So this is a common practice throughout society. For some reason when we want to protect the integrity of our elections, it's controversial, and frankly I don't understand it and most Texans don't understand that.

Fox News: So in terms of this temporary remedy, do you feel that the election in Texas in November of 2016 is going to have the kind of integrity you want it to have based on this remedy. In other words, will there be any voter fraud given the documents that must be produced by voters as they come into the polling place.

Paxton: Look, it's not exactly what we passed in Texas but I do feel like this affidavit is strong because if you sign that affidavit and you lie about not being able to get a photo ID, you can be prosecuted for perjury. So it's still the strongest photo ID law in the country, so I feel comfortable going forward with this at least for the November elections.

Fox News: And other states are fighting similar battles?

Paxton: That's correct. I mean North Carolina I think has also applied to the United States Supreme Court. So I think you're going to see this going on all over the country. It's important to not just our state but I think it's important across the country to have elections that are fair and that don't have fraud involved.

Fox News: And do you think this is going to go to the Supreme Court?

Paxton: Absolutely do

Texas scrambling to train poll workers

Officials must train workers, educate voters after court ruling

By David Saleh Rauf

August 19, 2016 Updated: August 19, 2016 8:45pm

AUSTIN - With roughly two months before early voting starts, Texas election officials are facing the difficult task of training thousands of poll workers and educating the public about court-ordered changes to a voter ID law - all while under an intense microscope.

That process is expected to be exacerbated by the sheer size of Texas, the volume of county election offices - 254 in all - an extreme time crunch and a politically-charged environment.

The heavy lifting starts now.

The Texas Secretary of State's office late this week circulated final instructions to county officials about identification requirements for the Nov. 8 election - materials that will serve as guidance for local election administrators doing training.

In less than two weeks, Secretary of State Carlos Cascos is planning to embark on a statewide tour, where, according to court documents, he could visit San Antonio, Houston, Dallas, El Paso and the Rio Grande Valley, among a list of potential sites, to talk voter ID.

And around the same time, Texas is poised to start recording television and radio spots set to air in October, court documents say, the first steps in an estimated \$1.3 million advertising campaign. That will also include digital, print and social media ads slated to start appearing by the first week of September.

It's part of a collective education effort Texas agreed to after the 5th U.S. Circuit Court of Appeals ruled last month that the state's photo ID law discriminated against minorities.

The federal appeals court, considered one of the most conservative in the country, ordered the law to be weakened for November's election - a task that now falls on thousands of local election foot soldiers across the state to put in place.

"It's going to be a real challenge. It takes a long time to get this election machinery moving, and the closer it gets to the election the more likely the implementation of the changes will get screwed up in various places," said Joseph Fishkin, an assistant professor at the University of Texas at Austin who specializes in constitutional and election law. "You have so many poll workers in Texas that are well meaning but not necessarily well trained. There's going to be a lot of low-level questions about how to implement the ruling successfully."

Moving forward

Texas, under the direction of Attorney General Ken Paxton, agreed to a settlement earlier this month that keeps its voter ID law in place but allows for those lacking one of seven forms of required identification to cast a regular ballot by presenting an alternate ID and signing an affidavit. That's expected to provide a safety net for most of the estimated 600,000 Texans registered to vote but who lacked an approved ID under the measure.

The state will also spend \$2.5 million on a voter outreach program designed by public relations giant Burson-Marsteller, some details of which were released in court documents this week.

Meanwhile, Attorney General Ken Paxton has said he will challenge the 5th Circuit's ruling to the U.S. Supreme Court. That has yet to happen, and the

scope of Paxton's appeal isn't clear, either. A spokeswoman in his office declined comment Friday.

The pending situation, however, has not slowed down the state's outreach efforts that were mandated by the court, said Alicia Pierce, a spokeswoman for the Secretary of State's office.

"We are operating under court order with clear direction and guidelines and we'll continue to move forward with educating voters until we hear differently," Pierce said. "If something changes we will work to educate voters on what will be developed."

Likewise, election officials in Bexar, Harris and Travis Counties said they are planning to move forward with training thousands of poll workers on the court's changes to the photo ID law. Election officials in Fort Worth and Dallas did not return requests for comment.

In Bexar, officials are expected to train more than 1,500 poll officials, said Elections Administrator Jacque Callanen. The only uncertainty at the moment, she said, is what could happen with the state's appeal.

"We'll be holding our breath to see how we move forward, but if things stay the same as they are now, we shouldn't have too much of a problem," said Callanen. "We can train people and say, 'Maybe this will happen and we'll let you know when you come pick up your supplies.' Is it optimal, no, but is it doable, yes."

Harris County Clerk and chief election official Stan Stanart, who oversees one of the largest county election operations in the nation, said Friday he does not expect any problems with putting in place changes to the law. That's mostly because he is not expecting much of an influx of people lacking one of the state-approved ID.

"The numbers are going to be small," said Stanart, who estimates 6,000 election workers will be trained in Harris County before November. "That's our experience with voter ID."

'A lot of confusion'

But Stanart also issued a warning: his office will look into those signing affidavits claiming they don't have required identification. He said voters who lied will be turned over to the district attorney.

"People are signing an oath. They are swearing they don't have an ID," he said. "If they think they can come in and vote without an ID when they have one sitting in their pocket, that's going to be a problem."

The smooth sailing scenario offered by local elections officials stand in contrast to what some others are predicting.

Zenén Jaimes Pérez, spokesman for the Texas Civil Rights Project, a group involved in voting rights issues, said his organization is expecting the implementation to be bumpy since so many people need to be trained in such a short time frame.

"There's already a lot of confusion," Perez said, noting that his organization will be setting up a voter protection hotline ahead of November's election for people to report voter ID-related issues.

Chad Ruback, a Dallas-based appellate lawyer who has been following the case, had a much bleaker prediction.

"To speak in Texan, it'll be a big ol' mess. You have 254 counties, many of which are rural and remote, and getting election administrators up to speed is going to be difficult," he said. "I'm confident the election administrators will

try hard to get it right, but there's no doubt there's going to be a multitude of complaints."